



DEQ - WCRO

MAY 15 2006

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DEPARTMENT OF ENVIRONMENTAL QUALITY

L. Preston Bryant, Jr.
Secretary of Natural Resources

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David K. Paylor
Director

Steven A. Dietrich
Regional Director

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION A SPECIAL ORDER BY CONSENT ISSUED TO CTS & I Millwork, Inc.

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code § 10.1-1307.D, 10.1-1309, and 10.1-1184, and § 10.1-1316.C, between the State Air Pollution Control Board and BondCote Corporation, for the purpose of resolving certain violations of State Air Pollution Control Laws and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Air Pollution Control Board, a permanent collegial body of the Commonwealth of Virginia as described in Code §§ 10.1-1301 and 10.1-1184.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Order.

6. "CTS & I Millwork, Inc. or "CTS & I" means the corporation certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.
7. "Facility" means the structure located at 2785 Grassy Hill Road, Rocky Mount, Virginia
8. "WCRO" means the West Central Regional Office of DEQ, located in Roanoke, Virginia.
9. "Permit" means the Stationary Source Permit to Operate dated July 31, 2002.

SECTION C: Findings of Fact and Conclusions of Law

1. CTS & I owns and operates a facility located in Rocky Mount, Virginia. The facility was issued a Stationary Source Permit to Operate on July 31, 2002. This permit authorizes the facility to operate a wood parts manufacturing and finishing plant.
2. On November 15, 2005, DEQ staff conducted a site inspection of the facility. Based on observations made during the inspection, the facility failed to maintain the following records:
 - A. Condition #12 – records of wood waste burned in tons for the boiler, calculated monthly as the sum of each consecutive 12-month period.
 - B. Condition #16 – records of HAP and VOC emissions, calculated monthly as the sum of each consecutive 12-month period.
 - C. Condition #22 – records of the annual throughput of dried lumber in board feet through the woodworking process, calculated monthly as the sum of each consecutive 12-month period
 - D. Condition #25 – records of the annual hours of operation for the two emergency fire pumps, calculated monthly as the sum of each consecutive 12-month period.
 - E. Condition #31 – records of maintenance and operating procedures which includes a maintenance schedule, written operating procedures for control equipment and training records.
3. On December 1, 2005, the facility was issued a Warning Letter as a result of this inspection. The Warning Letter was sent via certified mail and was received by the facility on December 2, 2005. The facility was advised to submit a written explanation within 10 days of receipt of the Warning Letter describing the corrective actions to be taken.

4. On January 31, 2006, the facility was issued a Notice of Violation for failure to respond to the Warning Letter. The Notice of Violation was sent via certified mail and was received by the facility on February 1, 2006. The facility was advised to respond within 10 days of receipt of the Notice of Violation.
5. On March 17, 2006, the facility was issued a Notice of Violation for failure to respond to the Notice of Violation issued on January 31, 2006. The Notice of Violation was sent via certified mail and was received by the facility on March 20, 2006.

SECTION D: Agreement and Order

Accordingly the State Air Pollution Control Board, by virtue of the authority granted it pursuant to Va. Code §§10.1-1309 and 10.1-1316, orders CTS & I, and CTS & I agrees to pay a civil charge of \$ 1,232.00 in settlement of the violations cited in this Order.

1. \$ 1,232.00 of this civil charge shall be paid within 30 days of the effective date of this Order. Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia", delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 10150
Richmond, Virginia 23240

2. The facility shall submit records for permit conditions #12, #16, #22, #25, and #31; in order to demonstrate compliance with the recordkeeping requirements set forth in the July 31, 2002 air permit. The records shall be submitted to the West Central Regional Office by July 31, 2006. Failure to submit these records shall be a violation of this Order.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of CTS & I, for good cause shown by CTS & I, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves the violations specifically identified herein, including those matters alleged in the Notices of Violation issued to CTS & I on January 31, 2006 and March 17, 2006. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent

action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.

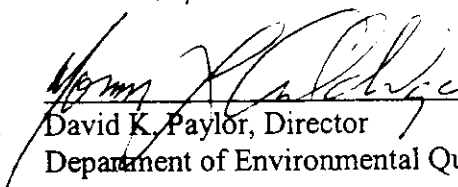
3. For purposes of this Order and subsequent actions with respect to this Order, CTS & I admits the jurisdictional allegations, but does not admit the factual allegations or legal conclusion of law contained herein. DEQ and CTS & I agree that the actions undertaken by CTS & I in accordance with this Consent Order do not constitute an admission of liability by CTS & I. CTS & I does not admit, and retains the right to controvert in any subsequent proceedings other than proceedings to implement or enforce this Order, the validity of the Findings of Facts and Conclusions of Law contained in Section C of this order.
4. CTS & I consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. CTS & I declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 9-6.14:1 *et seq.*, and the Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by CTS & I to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. CTS & I shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. CTS & I shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. CTS & I shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;

- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

- 9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
- 10. This Order shall become effective upon execution by both the Director or his designee and CTS & I.
- 11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to CTS & I. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve CTS & I from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
- 12. By its signatures below, CTS & I agrees to the issuance of this Order.

And it is so ORDERED this 18 day of MAY, 2006.

For 
David K. Paylor, Director
Department of Environmental Quality

CTS & I agrees to the issuance of this Order.

By: Kevin E. Bowman

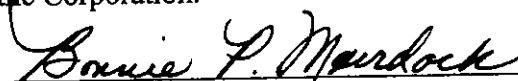
Date: 5/11/06

Commonwealth of Virginia

City/County of ROANOKE

The foregoing document was signed and acknowledged before me this 11th day of May, 2006, by KEVIN E. BOWMAN, who is
(name)

PRESIDENT of CTS & I on behalf of the Corporation.
(title)


Notary Public

My commission expires: March 31, 2008